

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

06-CR-6009CJS

-v-

MARIAN ASENOV PENEV,
Defendant.

**STATEMENT OF THE GOVERNMENT WITH RESPECT
TO SENTENCING FACTORS**

PLEASE TAKE NOTICE, that the government hereby adopts all findings of the Pre-sentence Report with respect to sentencing factors in this action, except with respect to restitution. Section 3663A of Title 18, United States Code, requires mandatory restitution to the victim of the offense if the offense was a crime of violence. The offense to which the defendant pled guilty is a crime of violence. The restitution amount will be based on the costs associated with the therapy received by the victim. The government will submit the restitution amount to the Court once such amount has been determined by the victim's family.

DATED: Rochester, New York, February 26, 2007.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2007, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participant(s) on this case:

Donald M. Thompson, Esq.

s/ KIM M. PETTIT